

10/577,078

Application/Control Number: 10/577,078
Art Unit: 1626

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DETAILED ACTION

1. This application claims benefit of the foreign application:
NEW ZEALAND 529249 with a filing date 10/31/2003; and
NEW ZEALAND 535618 with a filing date 09/28/2004.
2. Amendment of claims 1, 4-5, 8-9, 13-14 and 22, cancellation of claims 6-7, 23-26 and 54-64 in the amendment filed on March 06, 2009 is acknowledged. Claims 1-5, 8-22, 27-53 and 65-66 are pending in the application.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
Authorization for this examiner's amendment was given in a telephone interview with Leonard C. Mitchard on June 02, 2009. The application has been amended as follows:

In claim 1, line 13, after "acceptable salts", delete "and derivatives"

In claim 2, page ³~~03~~, line 9, after "acceptable salts", delete "and derivatives"

In claim 4, line 13, after "acceptable salts", delete "and derivatives"

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In claim 3, page 4, line ²³22, after "carbonyl]anilino] ethyl delete
"methanesulforiate", and insert

--methanesulfonate--

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In claim 5, page 09, line 3, after "acceptable salts", delete "and derivatives"

In claim 5, page 09, line 14, after "acceptable salts", delete "and derivatives"

Delete claims 8, 10-12, 27-50 and 65.

Reasons for Allowance

5. The rejection of claims 9 and 13-21 under 35 U.S.C. 112, first paragraph has been overcome by the amendment filed on March 06, 2009. Since claims 8 and 10-12 have been canceled, the rejection of claims 8 and 10-12 under 35 U.S.C. 112, first paragraph has been obviated herein. Since claims 23-26 have been canceled, the rejection of claims 23-26 under 35 U.S.C. 112, second paragraph has been obviated herein.

6. Since the provisional rejection of claims 1-5, 9, 11-22, 51-53 under the obviousness-type double patenting over application No. 11/654,698 is the only remaining rejection, therefore the provisional rejection of claims 1-5, 9, 11-22, 51-53 has been withdrawn herein. Since claims 8, 10-12 and 57 have been canceled, the provisional rejection of claims 8, 10-12 and 57 under the obviousness-type double patenting has been obviated herein.